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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TINA SMITH, an individual, et al.,

Case No. 3:05-cv-0176 LRH (RJJ)

Plaintiffs,

vs.

**STIPULATION AND ORDER TO
EXTEND DISPOSITIVE MOTION
AND RELATED DEADLINES AND
FOR FILING THE JOINT PRETRIAL
ORDER**

GARY UNDERHILL in his official
and individual capacity; et al.,

Defendants.

The parties, through their respective counsel of record, hereby agree and stipulate to extend the time-lines within which to file the briefing with respect to the dispositive motions the parties have filed, along with the related timetable for lodging the Joint Pretrial Order. This stipulation constitutes the sixth request to modify the scheduling order, now only dealing with these two deadlines and no others.

The reasons for this stipulation are:

(1) This action is closely related to four (4) other currently pending actions, namely: Williams, et al. v. Underhill, et. al., Case No. 3:05-cv-0175-LRH (RJJ); Smith, et. al. v. Underhill, et. al., Case No. 3:05-cv-0176-LRH (RJJ); and Alexander, et al. v. Underhill, et al., Case No. 3:05-cv-0178-LRH (RJJ); Gayle Chiles, et al. v. Underhill et al., Case No. 3:05-cv-0179-LRH (RJJ). It is also related to a fifth (5th) case that was filed substantially later, and in

1 which these mentioned deadlines do not apply, namely, Cranford, et al., v. Underhill., Case No.
2 3:05-cv-00111-LRH (GWF). While all these cases each are based on different alleged factual
3 scenarios, they are closely related in terms of the identity of many of the defendants, parties,
4 witnesses, and other circumstances. Oral deposition discovery was consolidated by virtue of a
5 separate stipulated Order (Dkt.#41) for the five closely-related cases in order to save economic
6 resources and time.

7 (2) Defense counsel have already filed summary judgment motions in the first five cases.

8 (3) Plaintiffs' counsel filed partial summary judgment motions on January 7, 2007, in
9 the Alexander and Chiles cases, and Defendants have opposed those partial summary judgment
10 motions, and filed cross-motions.

11 (4) Logistically, the single extended filing date has turned out to be problematic for
12 the parties because of the extensive body of evidence that needs to be analyzed and compiled for
13 the summary judgment motions and exhibits. The electronic filing process is also time intensive,
14 albeit very convenient, not to mention the additional time for scanning the documents internally
15 prior to e-filing, providing courtesy copies of the numerous exhibits to the Court, and opposing
16 counsel, and the occasional equipment problems.

17 (5) Plaintiffs' counsel is a sole practitioner and has numerous cases in litigation in
18 State and Federal Court requiring a balancing of deadlines and workload.

19 (6) Plaintiff will have the Reply brief in Chiles and in Alexander filed by
20 September 6, 2007.

21 (7) The previous order identified the fact that plaintiff may need one more extension.

22 Based on the foregoing, the parties respectfully request that the following deadlines be
23 extended as follows:

24 (1) The deadline for the Plaintiffs to file and serve their Opposition Brief to
25 Defendants' Motion for Summary Judgment be moved from September 6, 2007 to on or before
26 Friday, October 26, 2007.

27 (2) The deadline for Defendants to file their Reply brief to Plaintiffs' Opposition to
28 Defendants' Summary Judgment Motion shall also vary from the typical response times under

the local rules, and the Reply shall be due on or before Friday November 30, 2007. If additional time is needed, counsel anticipate submitting an appropriate stipulation and order.

(3) Based on the parties' already-filed and anticipated dispositive motions, the date for filing the Joint Pretrial Order ("JPO") is extended to 30 days after the entry of decision on all dispositive motions, or further order of the Court, in accordance with LR 26-1(e)(4).

This Stipulation being submitted prior to the due date, as contemplated by LR 6-1.

LAW OFFICE OF JEFFREY S. BLANK

By _____/s/_____

Dated this 27th day of August, 2007.

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MAUPIN, COX & LeGOY

By _____/s/_____

Dated this 27th day of August, 2007.

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NO FURTHER EXTENSIONS SHALL BE GRANTED.

IT IS SO ORDERED.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

DATED: August 29, 2007